

## REMARKS/ARGUMENTS

Claims 65, 67-80, 82-92 and 94-101 were previously pending in the application. New Claims 103-112 have been added to further define aspects of various embodiments of the invention. Therefore, Claims 65, 67-80, 82-92 and 94-101, 103-112 are now pending. Claims 65, 67-70, 72-75, 77-80, 82-84, 86-88, 90-92, and 94-101 have been rejected. Claims 71, 76, 85, and 89 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten independent form including all of the limitations of the base claim and their intervening claims.

### 35 U.S.C. § 102(a) Anticipation Rejections

#### Anticipation Rejection Based on U.S. Patent No. 7,254,409 to Sato *et al.*

Claims 65, 67, 69-70, 78-80, 83-84, 90-92, 95-96, 100 and 101 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 7,254,409 to Sato *et al.* ("Sato"). Applicant respectfully traverses this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant submits that Sato does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claims 65, 80, and 92, and claims 67, 69-70, 78, 79, 83-84, 90, 91, 95-96, 100 and 101 variously depending therefrom, because Sato does not describe, either expressly or inherently, each and every element as set forth in the claims.

#### Independent Claim 65

In rejecting Claim 65, the Office Action alleges that Sato, at col. 29, lines 41-67, discloses providing a service ID that identifies the availability of a broadcast service in an adjacent sector.

However, Sato fails to disclose or suggest "sending the service ID from the content server to a base station, wherein the content server is not an adjacent sector base station," as recited by amended Claim 65. Instead, Sato discloses radio base stations producing a multicast

management table, and radio base stations exchanging multicast management tables. Specifically, Sato teaches:

... the radio base station side handoff control device 116 *exchanges the multicast management table between* the network interface 111 and *a radio base station adjacent thereto* ... in order to inform the radio terminal 120 of the multicast management tables of their own station and the adjacent radio base station". (Sato, col. 24, lines 44-47; emphasis added).

*The multicast management table shown in FIG. 25 is produced by* the radio base station side handoff control device 116 built in the radio base station 110 periodically *transmitting and receiving the multicast management table with the adjacent radio base stations 110 via the network interface 11, and inserting in the multicast management table [of] the[ir] own station* .... (Sato, col. 29, lines 42-49; emphasis added).

Therefore, because Sato fails to inherently or explicitly disclose at least one element of Claim 65, Sato cannot anticipate Claim 65.

Dependent Claim 67

Claim 67 depends from Claim 65 and thus, is allowable for at least the same reasons as set forth above in connection with Claim 67.

Dependent Claims 69, 83, and 95

Claims 69, 83, and 95 correspondingly depend, directly or via intervening claims, from Claims 65, 80, 92 and thus are allowable for at least the same reasons as set forth herein in connection with Claims 65, 80, 92.

In addition, the Office Action asserts that Sato, at Fig. 25 and col. 28, lines 16-39, discloses wherein the service ID is a globally unique service ID issued by a global issuer.

However, a careful reading of the references relied upon by the Office Action fails to disclose any mention of a globally unique service ID, or of a global issuer, much less the invention as claimed.

For convenience, col. 28, lines 16-39 of Sato is reproduced below:

*First, the multicast management table used in this embodiment will now be described. In FIG. 24(a), the radio base station 110-1 on movement origin receives information concerning multicast data distributed by radio base stations 110-2 through 110-7 adjacent to the own station from the relevant radio base stations 110-2 through 110-7, and, informs to a radio zone Z1 at a period T.sub.1 the multicast management table including this information and information concerning multicast data distributed by the own station. The radio terminals 120-1 through 120-3 receive this information transmitted from the radio base station 110-1 on movement origin.*

*In the multicast management table shown in FIG. 25, the radio base station number on first column is information which indicates the radio base stations 110-1 through 110-7. The radio base station numbers 1 through 7 are related with the respective radio base stations 110-1 through 110-7. The program name on second column is information which indicates each multicast data. The IP address (multicast address) particular to a program name is related with each multicast data. In the example of FIG. 25, the radio base station 110-1 distributes three sorts of multicast data, and the radio base station 110-7 distributes two sorts of multicast data.*

Further, while Figure 25 discloses a multicast management table that has a program title column and a radio channel number, Figure 25 completely fails to disclose a globally unique service ID or that a globally unique service ID is issued by a global issuer.

Therefore, because Sato fails to inherently or explicitly disclose at least one element of Claims 69, 83, and 95, Sato cannot anticipate Claims 69, 83, and 95. If the rejection of Claims 69, 83, and 95 as being anticipated by Sato is maintained, Applicant respectfully requests that a direct quote from Sato be provided that supports such rejection.

Dependent Claims 70, 78, 90 and 100

Claims 70, 78, 90, and 100 correspondingly depend, directly or via intervening claims, from Claims 65, 80, 92 and thus, are allowable for at least the same reasons as set forth herein in connection with Claims 65, 80, 92.

Dependent Claims 79, 91, and 101

Claims 79, 91, and 101 correspondingly depend, directly or via intervening claims, from Claims 65, 80, 92 and thus are allowable for at least the same reasons as set forth herein in connection with Claims 65, 80, 92.

In addition, the Office Action asserts that Sato, at Fig. 25 and col. 28, lines 16-39, discloses wherein the BCMCS\_ID is a dual BCMCS\_ID comprising a global indicator to indicate uniqueness of the BCMCS\_ID.

However, a careful reading of Sato, col. 28, lines 16-39, fails to disclose any mention of a global indicator, much less that the BCMCS\_ID is a dual BCMCS\_ID comprising a global indicator to indicate uniqueness of the BCMCS\_ID.

Further, while Figure 25 discloses a multicast management table that has a program title column and a radio channel number, Figure 25 does not disclose a global indicator, much less

that the BCMCS\_ID is a dual BCMCS\_ID comprising a global indicator to indicate uniqueness of the BCMCS\_ID.

Therefore, because Sato fails to inherently or explicitly disclose at least one element of Claims 79, 91, and 101, Sato cannot anticipate Claims 79, 91, and 101. If the rejection of Claims 79, 91, and 101 as being anticipated by Sato is maintained, Applicant respectfully requests that a direct quote from Sato be provided that supports such rejection.

Independent Claim 80

In rejecting Claim 80, the Office Action alleges that Sato, at Figs. 24-25 and col. 29, lines 41-67, discloses receiving from the issuer a second service ID that identifies a second broadcast service received by a neighboring base station sector.

However, Sato fails to disclose or suggest "receiving from an issuer via at least one content server a first broadcast service identified by a first service ID ... receiving via at least one content server from the issuer a second service ID that identifies a second broadcast service received by a neighboring base station sector," as recited by amended Claim 80. Instead, Sato discloses radio base stations producing a multicast management table, and radio base stations exchanging multicast management tables. Specifically, Sato teaches:

... the radio base station side handoff control device 116 ***exchanges the multicast management table between*** the network interface 111 and ***a radio base station adjacent thereto*** ... in order to inform the radio terminal 120 of the multicast management tables of their own station and the adjacent radio base station".  
(Sato, col. 24, lines 44-47; emphasis added).

***The multicast management table*** shown in FIG. 25 ***is produced by*** the radio base station side handoff control device 116 built in the radio base station 110 periodically ***transmitting and receiving the multicast management table with the adjacent radio base stations*** 110 via the network interface 11, ***and inserting in the multicast management table [of] the[ir] own station*** .... (Sato, col. 29, lines 42-49; emphasis added).

Therefore, because Sato fails to inherently or explicitly disclose at least one element of Claim 80, Sato cannot anticipate Claim 80.

Dependent Claims 84 and 96

Claims 84 and 96 correspondingly depend, directly or via intervening claims, from Claims 80 and 92 and thus are allowable for at least the same reasons as set forth herein in connection with Claims 80 and 92.

Independent Claim 92

In rejecting Claim 92, the Office Action alleges that Sato, at Fig 25, col. 28, lines 16-39, and col. 29, lines 41-67, discloses receiving a broadcast service parameters message that includes a second service ID, wherein the second service ID uniquely identifies a broadcast service among one or more broadcast services from a content server on a common radio channel, and neighbor configuration data, wherein the second service ID identifies a second broadcast service available from a second base station sector, the first and second service IDs being received from a common issuer.

However, Soto fails to disclose or suggest “receiving a broadcast service parameters message that includes a second service ID, wherein the second service ID uniquely identifies a broadcast service among one or more broadcast services from a content server on a common radio channel, and neighbor configuration data, wherein the second service ID identifies a second broadcast service available from a second base station sector, **the first and second service IDs being received via a content server from a common issuer,**” as recited by amended Claim 92. Instead, as previously discussed with respect to Claim 65, Sato discloses radio base stations producing a multicast management table, and radio base stations exchanging multicast management tables.

Therefore, because Sato fails to inherently or explicitly disclose at least one element of Claim 92, Sato cannot anticipate Claim 92.

**35 U.S.C. § 103(a) Obviousness Rejections**

Obviousness Rejection Based on U.S. Patent No. 7,254,409 to Sato *et al.* in view of U.S. Patent Publication 2002/0102967 to Chang *et al.*

Claims 68, 72-75, 77, 82, 86-88, 94, 98, and 99 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of U.S. Patent Publication 2002/0102967 to Chang *et al.* (“Chang”). Applicant respectfully traverses this rejection, as hereinafter set forth. Applicant respectfully submits that because the independent

The nonobviousness of amended independent claim 65 precludes a rejection of claims 68, 72-75, and 77 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, Applicant again requests that the

Examiner withdraw the rejection to amended independent claim 65 and claims 68, 72-75, and 77 which depend therefrom.

The nonobviousness of amended independent claim 80 precludes a rejection of claims 82 and 86-88 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to amended independent claim 80 and claims 82 and 86-88 which depend therefrom.

The nonobviousness of amended independent claim 92 precludes a rejection of claims 94, 98, and 99 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to amended independent claim 92 and claims 94, 98, and 99 which depend therefrom.

Obviousness Rejection Based on U.S. Patent No. 7,254,409 to Sato *et al.* in view of U.S. Patent 6,826,176 to Siddiqui *et al.*

Claims 71, 76, 85, 89, and 97 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of U.S. Patent 6,826,176 to Siddiqui *et al.* ("Siddiqui"). Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of amended independent claim 65 precludes a rejection of claims 71 and 76 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to amended independent claim 65 and claims 71 and 76 which depend therefrom.

The nonobviousness of amended independent claim 80 precludes a rejection of claims 85 and 89 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, Applicant again requests that the Examiner

withdraw the rejection to amended independent claim 80 and claims 85 and 89 which depend therefrom.

The nonobviousness of amended independent claim 92 precludes a rejection of claim 97 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant again requests that the Examiner withdraw the rejection to amended independent claim 92 and claim 97 which depends therefrom.

#### New Claims

New claims 103-112 have been added and are patentable at least by virtue of their respective dependencies from independent claims 65, 80, and 92, and for the additional features recited therein.

#### No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

#### Rescission of Any Prior Disclaimers and Request to Revisit Art

The claims of the present application are different and possibly broader in scope than previously pending. To the extent any prior amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicant hereby rescinds and retracts such disclaimer. Accordingly, the references previously considered may need to be re-visited.

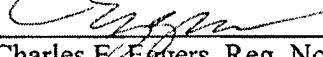
### CONCLUSION

In view of the foregoing, Applicants respectfully submit that all pending claims in the present application are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is cordially invited to telephone the undersigned at the number provided below.

The Commissioner is authorized to charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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